

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ANDREW POPLIN AND DEBORAH  
POPLIN, INDIVIDUALLY AND AS  
HUSBAND AND WIFE,

Plaintiffs,

v.

CSX TRANSPORTATION, INC.,  
PROFESSIONAL TRANSPORTATION,  
INC., BRIAN HANEY, AND  
KEVIN R. LYNN,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CIVIL ACTION

FILE NUMBER: 1:09-CV-0117

**DEFENDANT BRIAN HANEY'S INITIAL DISCLOSURES**

Pursuant to Fed.R.Civ.P. 26(a)(1) and L.R. 26.1, N.D.Ga., Defendant Brian Haney (“Haney”) makes the following initial disclosures.

**(1) If the defendant is improperly identified, state defendant's correct identification and state whether defendant will accept service of an amended summons and complaint reflecting the information furnished in this disclosure response.**

**RESPONSE:** Not applicable.

**(2) Provide the names of any parties whom defendant contends are necessary parties to this action, but who have not been named by plaintiff. If defendant**

**contends that there is a question of misjoinder of parties, provide the reasons for defendant's contention.**

**RESPONSE:** None.

**(3) Provide a detailed factual basis for the defense or defenses and any counterclaims or crossclaims asserted by defendant in the responsive pleading.**

**RESPONSE:**

At the time of the accident subject of this case, Plaintiff was employed by Defendant CSX Transportation, Inc. ("CSXT"). CSXT contracted with Defendant Professional Transportation, Inc. ("PTI") to transport Plaintiff and other CSXT employees to various locations. On February 15, 2007, Plaintiff and others were being transported as a passengers in a PTI van operated by Brian Haney, a PTI employee. Plaintiff Andrew Poplin was being transported as part of his employment with CSXT. The PTI van transporting Plaintiff Andrew Poplin stopped for a stop sign located at the Georgia 3 Highway Entrance Ramp in Bartow County, Georgia. While stopped at the stop sign, the PTI van was struck from behind by a Ford Taurus driven by Defendant Kevin Lynn ("Lynn").

Haney denies that he was negligent in any manner contributing to the Plaintiffs' alleged injuries. The collision, which allegedly caused Plaintiff Andrew Poplin to

suffer an injury, was caused by and resulted from the sole negligence per se and negligence of Defendant Kevin Lynn.

**(4) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which defendant contends are applicable to this action.**

**RESPONSE:**

Defendant Haney relies upon the following:

1. Rules of the Road for the State of Georgia (OCGA §40-6-1 et seq.);
2. General principles of negligence, causation, and damages.

**(5) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)**

**RESPONSE:** See Attachment A.

**(6) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Initial Disclosures as Attachment B.)**

**RESPONSE:**

None at this time. Should Defendant Haney decide that evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence is needed, this response will be amended before the close of discovery.

**(7) Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)**

**RESPONSE:** See Attachment C.

**(8) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)**

**RESPONSE:**

This Defendant does not claim damages.

**(9) If defendant contends that some other person or legal entity is, in whole or in part, liable to the plaintiff or defendant in this matter, state the full name, address, and telephone number of such person or entity and describe in detail the basis of such liability.**

**RESPONSE:**

Kevin R. Lynn  
94 Peeples Valley Rd NE  
Cartersville, GA 30121-5101  
Phone number unavailable

The PTI van in which Plaintiff Andrew Poplin was a passenger was struck from behind by a vehicle driven by Defendant Kevin Lynn ("Lynn"). Lynn was cited for following too closely in violation of O.C.G.A. § 40-6-49 and plead guilty to the citation. The collision, which allegedly caused Plaintiff Andrew Poplin to suffer an injury, was caused by and resulted from the sole negligence per se and negligence of Defendant Kevin Lynn.

**(10) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)**

**RESPONSE:** Defendant Haney is covered by PTI's insurance policy.

Respectfully submitted this 16<sup>th</sup> day of April, 2009.

**CASEY GILSON P.C.**

/s/ James E. Gilson

**JAMES E. GILSON**

Georgia State Bar No. 001150

**MARKEE L. SQUIRE**

Georgia State Bar No. 773335

Attorneys for Defendant

Brian Haney

Six Concourse Parkway  
Suite 2200  
Atlanta, GA 30328  
Telephone: 770.512.0300  
Facsimile: 770.512.0070

**CERTIFICATE OF FONT**

The foregoing **DEFENDANTS' INITIAL DISCLOSURES** were prepared in compliance with L.R. 5.1(C) using 14 point Times New Roman font.

**ATTACHMENT A**  
**LIST OF WITNESSES**

Andrew J. Poplin  
718 Rocky Springs Rd  
Madisonville, TN 37354-6622  
(423) 519-9898

Plaintiff Andrew Poplin will have knowledge regarding the circumstances surrounding the February 15, 2007 incident, his alleged injuries, damages, and medical treatment.

Deborah L. Poplin  
718 Rocky Springs Rd  
Madisonville, TN 37354-6622  
(423) 545-9356

Plaintiff Deborah Poplin will have knowledge regarding Andrew poplin's medical condition before and after the February 15, 2007 incident. Plaintiff Deborah Poplin will also have information on how the incident has affected her life.

Bobby Vincent  
3700 Morgan Avenue  
Evansville, IN 47715  
1-800-471-2440 ext. 4824

Mr. Vincent is the director of safety for Professional Transportation, Inc. and he may have knowledge of the incident and the investigation of the incident.

Brian Nicholas Haney  
103 Ingleside Ave  
Englewood, TN 37329-3194  
(423) 333-4947

Mr. Haney will have knowledge regarding the circumstances surrounding the February 15, 2007 incident.

Kevin R. Lynn  
94 Peeples Valley Rd NE  
Cartersville, GA 30121-5101  
Phone number unavailable

Mr. Lynn will have knowledge regarding the circumstances surrounding the February 15, 2007 incident.

Keith Moses  
P.O. box 86  
Englewood, TN 37329  
Phone number unavailable

Mr. Moses was a passenger with Plaintiff Andrew Poplin and may have knowledge regarding the circumstances surrounding the February 15, 2007 incident.

Chris M. Robinson  
201A County Rd 334  
Niota, TN 37826-2812  
Phone number unavailable

Mr. Robinson was a passenger with Plaintiff Andrew Poplin and may have knowledge regarding the circumstances surrounding the February 15, 2007 incident.

Mike Ratcliff  
898 busted Rock Road  
Old Fort, TN 37362  
Phone number unavailable

Mr. Ratcliff was a passenger with Plaintiff Andrew Poplin and may have knowledge regarding the circumstances surrounding the February 15, 2007 incident.

All Medical providers identified in Plaintiffs' Initial Disclosures.



The following list of CSX employees may have some knowledge of facts as a result of their investigations into this incident after it occurred:

Larry McKenzie (Trainmaster)  
David Harris (Trainmaster)  
John Belew (Road Foreman)  
Joe Tatum (Road Foreman)  
Angie Averitte (CSX Manager of Safety)  
Marty Foskey (Manager of Field Investigations)

The following PTI employees may have some knowledge of facts as a result of their investigations into this incident after it occurred.

Earl Witten (PTI Regional Manger)  
Michael Mills (PTI Field Safety Officer on 2/15/07) Mr. Mills no longer works for PTI

**ATTACHMENT C**

**DOCUMENT LIST**

At the present time, Defendant is aware of the following documents or tangible things that may be relevant in this case:

1. Georgia Uniform Traffic Citation dated February 15, 2007.

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

ANDREW POPLIN AND DEBORAH  
POPLIN, INDIVIDUALLY AND AS  
HUSBAND AND WIFE,

Plaintiffs,

v.

CSX TRANSPORTATION, INC.,  
PROFESSIONAL TRANSPORTATION,  
INC., BRIAN HANEY, AND  
KEVIN R. LYNN,

Defendants.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CIVIL ACTION

FILE NUMBER: 1:09-CV-0117

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed this DEFENDANT BRIAN HANEY'S INITIAL DISCLOSURES with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification and access to an electronic copy of such filing to the following:

Derek J. White, Esq.  
The White Law Group  
P.O. Box 787  
Pooler, GA 31322

Fred M. Valz, III, Esq.  
Francis E. Carter, Esq.  
Carlock, Copeland & Stair, LLP  
285 Peachtree Center Avenue  
Atlanta, Georgia 30303

and served a copy via United States First Class mail to the following:

William G. Jungbauer, Esq.  
Yaeger, Jungbauer & Barczak PLC  
745 Kasota Avenue  
Minneapolis, MN 55414

Thomas Harper, Esq.  
Harper Waldon & Craig  
900 Circle 75 Parkway  
Suite 1040  
Atlanta, GA 30339

This 16<sup>th</sup> day of April 2009.

**CASEY GILSON P.C.**

James E. Gilson  
**JAMES E. GILSON**  
Georgia State Bar No. 001150  
Attorney for Defendant  
Brian Haney

Six Concourse Parkway, Suite 2200  
Atlanta, Georgia 30328  
(770) 512-0300  
(770) 512-0070 -- fax